IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1232 (S/S) of 2005

Km. Pratibha Uniyal,
Daughter of Sri Jagdamba Prasad Uniyal,
Assistant Teacher in Primary School,
Gaddughad, Block-Jakhnidhar,
District – Tehri Garhwal.

.....Petitioner.

Versus

1. State of Uttaranchal, thorough Secretary, Education, Civil Secretariat, Uttaranchal, Dehradun.
2. Director Education Officer, Tehri Garhwal.
3. Head Mistress, Primary School, Gaddugad, Block-Jakhnidhar, District – Tehri Garhwal.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lokendra Dobhal, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has challenged the order dated 28.06.2005 passed by District Education Officer, Narendra Nagar, District – Tehri Garhwal, by which the petitioner has been transferred from Primary School, Gaddugad, Block – Jakhnidhar,

District – Tehri Garhwal to Primary School, Pachri, Block-Jakhnidhar, District – Tehri Garhwal. The said transfer order has been passed on the ground of surplus teacher.

The submission of the petitioner is that she has been working since her appointment in ati-durgam and durgam area and by way of present transfer order, she has again been transferred to durgam area. She has yet not completd three years of service at present place of posting. Petitioner ah referred Government Order dated 13.05.2005 by which guidelines have been framed by the State Government for the purposes of transfer of teachers whereas it is clearly stated that teacher should not be transferred prior to completion of three years of service at one place and petitioner has been transferred against the said guidelines of Gvoernment issued by the State Government itself. In this respect the petitioner has already made a representation to the District Education Officer, Tehri Garhwal on 06.08.2005 (Annnexure no.4 to the writ petition).

Learned counsel for the petitioner has further submitted that nobody has been posted in place of petitioner i.e. at Primary school, Guddugad, Block – Jakhnidhar, District – Tehri Garhwal and she is still continuing in the said school.

In view of the aforesaid circumstances, it is in the interest of justice to direct the respondent no. 2 decide the representation of the petitioner.

Accordingly, District Education Officer, Narendra Nagar, Tehri Garhwal i.e. respondent no. 2 is directed to

decide the petitioner's representation dated 06.08.2005 (Annexure no. 4 to the writ petition) within a period of three weeks' from the date of production of certified copy of this order. Petitioner is directed to submit the representation along with the copy of this order before respondent no. 2 within a period of ten days' from today. Till the decision is taken on the representation of the petitioner by the respondent no. 2, petitioner shall not be relieved, in case, she has not already been relieved.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M.Ghildiyal, J.)

August 30, 2005
SKSharma